

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

<p>BERNADINE T. GRIFFITH</p> <p style="text-align: center;">Plaintiff,</p> <p>v.</p> <p>ONEBEACON INSURANCE COMPANY, ONEBEACON AMERICA INSURANCE COMPANY, MICHAEL A. SISTO, and KAREN ALLEN HOLMES</p> <p style="text-align: center;">Defendants.</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>C.A. No. 03-CV-12573-EFH</p> <p>DEFENDANTS' LIST OF PROPOSED EXHIBITS</p>
--	---	--

Pursuant to the Court's Order of December 22, 2005, OneBeacon Insurance Company and OneBeacon America Insurance Company ("OneBeacon" or "Defendants") hereby submit their List of Proposed Exhibits beginning with Exhibit number 301 as instructed by the Clerk.

DEFENDANTS' LIST OF PROPOSED EXHIBITS

<u>Exhibit No.</u>	<u>Exhibit Description</u>
301.	1988 CGU Personal Benefits Report for Bernadine Griffith, P472 – P488
302.	June 15, 1992 email from Suzanne Harris Walker
303.	April 9, 1996 handwritten note to Bernadine Griffith, Bates stamp number P297
304.	June 24, 1996 program code
305.	June 27, 1996 email from Suzanne Harris Walker, Bates stamp number P383

- 306. July 1, 1996 program code
- 307. July 9, 1996 handwritten note, Bates stamp number P298
- 308. July 25, 1996 email from Bernadine Griffith and subsequent handwritten notes, Bates stamp numbers P295 – P296
- 309. July 25, 1996 email from Suzanne Harris Walker, Bates stamp number P299
- 310. July 30, 1996 notes of Suzanne Harris Walker
- 311. August 7, 1996 email from Bernadine Griffith, Bates stamp number P307
- 312. August 20, 1996 letter from Irene H. Bagdoian, Bates stamp numbers DEF 0215 – DEF 0216
- 313. August 23, 1996 notes, Bates stamp numbers DEF 0084 – DEF 0085
- 314. August 27, 1996 letter from Cathleen Moynihan, Bates stamp number DEF 0204
- 315. September 27, 1996 Salary Continuation Form, Bates stamp number DEF 0206 – DEF 0207
- 316. October 21, 1996 notes, Bates stamp numbers DEF 0139 – DEF 0140
- 317. October 25, 1996 C. U. Memorandum from Cathleen Moynihan, Bates stamp number DEF 0138
- 318. November 5, 1996 Meeting Notes of Cathleen Moynihan, Bates stamp number DEF 0199
- 319. December 5, 1996 CU Performance Appraisal for Edmund Freeman, Bates stamp number MCAD0411 – MCAD0412
- 320. 1997 attendance record of Bernadine Griffith, Bates stamp number DEF 0129
- 321. April 29, 1997 Lahey Clinic return to work note, Bates stamp number DEF 0285

- 322. May 7, 1997 Lahey Clinic return to work note, Bates stamp number DEF 0284
- 323. May 23, 1997 Lahey Clinic return to work note, Bates stamp number DEF 0283
- 324. May 28, 1997 letter from Bernadine Griffith, Exhibit 4 to the deposition of Helen D. Trampusch, M.D.
- 325. June 6, 1997 Salary Continuation Form, Bates stamp numbers DEF 0278 – DEF 0279
- 326. June 9, 1997 letter from Helen Trampusch, M.D., Bates stamp numbers DEF 0222 – DEF 0223
- 327. June 27, 1997 Salary Continuation Form, Bates stamp numbers DEF 0280 – DEF 0281
- 328. July 1, 1997 letter from Erin O'Toole
- 329. July 10, 1997 letter from Lenore Woodley, R.N., Bates stamp numbers DEF 0224 – DEF 0225
- 330. July 14, 1997 letter from Bernadine Griffith, Exhibit 6 to the deposition of Helen D. Trampusch, M.D.
- 331. July 31, 1997 Salary Continuation Form, Bates stamp numbers DEF 0243 – DEF 0244
- 332. March 30, 1998 email from Monica Scanlon, Bates stamp number P419
- 333. May 21, 1998 email from Bernadine Griffith
- 334. July 27, 1998 handwritten notes of Suzanne Harris Walker at 10:00 a.m.
- 335. July 27, 1998 handwritten notes of Suzanne Harris Walker at 2:00 p.m.
- 336. September 30, 1998 progress notes of John Garrison, Ph.D.
- 337. November 23, 1998 email from Monica Scanlon, Bates stamp number P418

- 338. December 17, 1998 CU Exempt Performance Appraisal of Bernadine Griffith, Bates stamp numbers DEF 0127 – DEF 0128
- 339. December 23, 1998 email from Monica Scanlon, Bates stamp number P436
- 340. December 23, 1998 memorandum from Monica Scanlon
- 341. 1999 Griffith family income tax return
- 342. 1999 attendance record of Bernadine Griffith, Bates stamp numbers DEF 0170 – DEF 0171
- 343. 1999 attendance record of Bernadine Griffith, Bates stamp numbers DEF 0183 – DEF 0185
- 344. CGU Insurance Group Disability Coverage effective January 1, 1999, Bates stamp numbers DEF 0321 – DEF 0340
- 345. June 1999 CGU Organizational Chart, Bates stamp numbers P268 – P288
- 346. August 6, 1999 email from Karen Allen Holmes, Bates stamp number P454
- 347. August 26, 1999 email exchange, Bates stamp number DEF 0272
- 348. September 16, 1999 telephone memorandum to John Garrison, Ph.D., Bates stamp number P024
- 349. September 17, 1999 letter from John Garrison, Ph.D., Bates stamp number DEF 0273
- 350. October 18, 1999 letter from Bernadine Griffith,
- 351. October 20, 1999 letter from Susan Moner, M.D., Bates stamp number DEF 0271
- 352. November 11, 1999 email exchange, Bates stamp numbers P289 - P290
- 353. November 20, 1999 prescription note, Bates stamp number DEF 0270
- 354. December 5, 1999 Lahey Clinic return to work note, Bates stamp number DEF 0268

- 355. December 14, 1999 Lahey Clinic return to work note, Bates stamp number DEF 0267
- 356. 2000 Griffith family income tax return
- 357. 2000 attendance record of Bernadine Griffith, Bates stamp numbers DEF 0096 – DEF 0097; DEF 0175 – DEF 0177; DEF 0556
- 358. 2000 attendance record of Bernadine Griffith, Bates stamp numbers DEF 0178 – DEF 0179
- 359. January 5, 2000 memo from Monica Scanlon and attachment to 1999 Annual Performance Appraisal, Bates stamp number DEF 0082
- 360. January 5, 2000 memo from Karen Holmes with attached documents, Bates stamp numbers DEF 0122 - DEF 0124
- 361. January 7, 2000 CU Performance Appraisal of Bernadine Griffith, Bates stamp numbers DEF 0125 – DEF 0126
- 362. January 9, 2000 e mail from Karen Holmes, Bates stamp number P333
- 363. January 11, 2000 e mail from Karen Holmes, Bates stamp number P334
- 364. January 20, 2000 prescription note, Bates stamp number DEF 0121
- 365. January 31, 2000 email from Bernadine Griffith, Bates stamp number DEF 0586
- 366. February 1, 2000 e-mail from Karen Holmes, Bates stamp number DEF 0256
- 367. February 11-14, 2000 e mail exchange, Bates stamp number P336
- 368. Performance Job Record of Bernadine Griffith, April – September 2000, Bates stamp numbers DEF 0093-DEF 0094
- 369. April 14, 2000 email from Bernadine Griffith, Bates stamp number DEF 0569
- 370. April 18, 2000 email from Bernadine Griffith, Bates stamp number DEF 0585

- 371. April 19, 2000 email from Bernadine Griffith, Bates stamp number DEF 0558
- 372. April 19, 2000 email from Bernadine Griffith, Bates stamp number DEF 0559
- 373. April 19, 2000 email from Bernadine Griffith, Bates stamp number DEF 0557
- 374. April 26, 2000 email from Karen Allen Holmes, Bates stamp number DEF 0584
- 375. May 12, 2000 email from Bernadine Griffith, Bates stamp number DEF 0568
- 376. May 17, 2000 email exchange, Bates stamp number DEF 0581
- 377. May 19, 2000 email from Bernadine Griffith, Bates stamp number DEF 0567
- 378. May 23, 2000 Associate Disciplinary Action Notice, Bates stamp number DEF 0117– DEF 0118 and DEF 0120
- 379. May 23, 2000 meeting notes from Michael Sisto, Bates stamp number DEF 0111
- 380. May 23, 2000 meeting notes from Karen Holmes, Bates stamp numbers DEF 0112 – DEF 0113
- 381. May 23-24, 2000 notes, Bates stamp number DEF 0119
- 382. May 23, 2000 Lahey Clinic return to work note, Bates stamp number DEF 0262
- 383. May 23, 2000 Lahey Clinic discharge information, Bates stamp number DEF 0261
- 384. May 23, 2000 Emergency Services notes of Hamilton, Hayes, M.D.
- 385. May 26, 2000 email from Bernadine Griffith, Bates stamp number DEF 0566
- 386. May 26, 2000 email from Bernadine Griffith, Bates stamp number DEF 0579
- 387. May 31, 2000 prescription, Bates stamp number DEF 0214

- 388. May 31, 2000 email from Bernadine Griffith, Bates stamp number DEF 0578
- 389. June 2000 Physician's Report Form from John Garrison, Ph.D. for Bernadine Griffith
- 390. June – September 2000 personal calendar of Bernadine Griffith, Bates stamp numbers MCAD0155 – MCAD0158
- 391. June 2, 2000 CGU Family and Medical Leave Act (FMLA) Certification Form, Bates stamp numbers DEF 0211 - DEF 0212
- 392. June 4, 2000 prescription information, Bates stamp number 0241
- 393. June 5, 2000 letter from Joanne Murphy, Bates stamp number DEF 0079
- 394. June 12, 2000 telephone memorandum, Exhibit 5 to the deposition John Garrison, Ph.D.
- 395. June 12, 2000 letter from John Garrison, Ph.D., Bates stamp number DEF 0210
- 396. June 13, 2000 letter from Bernadine Griffith, Bates stamp number DEF 0209
- 397. June 13, 2000 email from Bernadine Griffith, Bates stamp number DEF 0577
- 398. June 22, 2000 letter from John Garrison, Ph.D., Bates stamp number DEF 0143
- 399. June 22, 2000 letter from John Garrison, Ph.D. with handwritten notes, Bates stamp number DEF 0110
- 400. June 28, 2000 telephone memorandum, Bates stamp number P055
- 401. June 30, 2000 email from Bernadine Griffith, Bates stamp number DEF 0565
- 402. Third quarter 2000 CGU employee savings plan information for Bernadine Griffith account, Bates stamp numbers P506 – P514
- 403. July 5, 2000 email from Bernadine Griffith, Bates stamp number DEF 0576

- 404. July 7, 2000 email from Bernadine Griffith, Bates stamp number DEF 0564
- 405. July 11, 2000 email from Bernadine Griffith, Bates stamp number DEF 0575
- 406. July 14, 2000 email from Bernadine Griffith, Bates stamp number DEF 0563
- 407. July 17, 2000 letter from Bernadine Griffith, Bates stamp number DEF 0257
- 408. July 24, 2000 email from Bernadine Griffith, Bates stamp number DEF 0574
- 409. July 26, 2000 letter from John Garrison, Ph.D. with handwritten notes, Bates stamp number DEF 0107
- 410. July 26, 2000 notes of Karen Holmes, Bates stamp number DEF 0109
- 411. July 26, 2000 email from Bernadine Griffith, Bates stamp numbers DEF 0572 – DEF 0573
- 412. July 27, 2000 Associate Disciplinary Action Notice, Bates stamp numbers DEF 0114 – DEF 0116
- 413. July 27, 2000 notes of Lisa Studholme, Bates stamp number DEF 0108
- 414. July 28, 2000 email from Bernadine Griffith, Bates stamp number DEF 0562
- 415. August 2, 2000 letter from Nancy Snyder, Bates stamp number DEF 0106
- 416. August 4, 2000 email from Bernadine Griffith, Bates stamp number DEF 0561
- 417. August 10, 2000 letter from Cristin Rothfuss, Bates stamp numbers DEF 0099 – DEF 0102
- 418. August 11, 2000 email from Bernadine Griffith, Bates stamp number DEF 0560

- 419. August 16, 2000 memo from Karen Holmes, Bates stamp numbers DEF 0103 – DEF 0105
- 420. September 27, 2000 termination letter from Michael Sisto, Bates stamp number DEF 0087
- 421. September 27, 2000 CGU Termination Input screen shot, Bates stamp number DEF 0088
- 422. September 27, 2000 pay check, Bates stamp number DEF 0090
- 423. Fourth quarter 2000 CGU employee savings plan information for Bernadine Griffith account, Bates stamp numbers P495 – P502
- 424. Undated notes of Karen Allen Holmes, DEF 0002 – DEF 0004
- 425. October 13, 2000 letter from Anne Sanford, Bates stamp number MCAD0098
- 426. October 25, 2000 letter from John Garrison, Ph.D., Bates stamp number DEF 0265
- 427. October 25, 2000 letter from Thomas Ford to Karen Allen Holmes re representation, Bates stamp number DEF 0604
- 428. October 25, 2000 letter from Thomas Ford to Michael Sisto re representation, Bates stamp number DEF 0605
- 429. November 2, 2000 CGU Associate Handbook, Bates stamp numbers DEF 0623 – DEF 0866
- 430. 2001 Griffith family income tax return
- 431. September 25, 2001 CGU Insurance Group Life Insurance, Bates stamp numbers DEF 0358 – DEF 0387
- 432. September 25, 2001 CGU Insurance Group Pension SPD, Bates stamp numbers DEF 0458 – DEF 0514
- 433. 2002 Griffith family income tax return
- 434. 2003 Griffith family income tax return
- 435. 2004 Griffith family income tax return
- 436. October 12, 2004 Progress Notes of Julie Crowley, MSN, RNCS

- 437. October 12, 2004 letter from Susan E. Moner, M.D., Bates stamp number P264
- 438. 2005 Griffith family income tax return
- 439. Map of office as drawn on February 16, 2005 by Bernadine Griffith included as Exhibit 1 to Griffith deposition
- 440. July 25, 2005 expert report of Harvey Waxman, Ph.D., Bates stamp numbers DEF 2671 – DEF 2685
- 441. Undated CGU Associate Handbook, Bates stamp numbers DEF 02604 – DEF 02670
- 442. Undated CGU Insurance Group MetLife Dental Plan, Bates stamp numbers DEF 0292 – DEF 0320
- 443. Undated CGU Insurance Group Plan Operation and Your Rights, Bates stamp numbers DEF 0341 – DEF 0357
- 444. Undated CGU Insurance Group Savings Plan, Bates stamp numbers DEF 0515 – DEF 0550
- 445. Undated CGU Insurance United HealthCare Point of Service Plan, Bates stamp numbers DEF 0388 – DEF 0457
- 446. Undated organizational chart, Bates stamp number P469
- 447. Undated memo from Jan Kwasniak, Bates stamp number DEF 0142
- 448. Undated CGU absence management documents, Bates stamp numbers P260 – P266
- 449. Undated “The Simpson’s” cartoon
- 450. Undated “The Tom and Gary Show” cartoon
- 451. Undated “Popeye” RUAC cartoon
- 452. Undated RUAC cartoon
- 453. Undated “Monty” cartoon by Jim Meddick

- 454. Undated Retention Bonus List, Bates stamp numbers DEF 0020 – DEF 0024
- 455. Undated Griffith Termination Checklist and Payment Calculation, Bates stamp number DEF 0089 – DEF 90; DEF 0095, DEF 0098
- 456. Pension information and W2s for Bernadine Griffith, Bates stamp numbers DEF 0031 – DEF 0035; DEF 0606 – DEF 0622
- 457. Exhibit 1 to the deposition of Helen D. Tramposch, M.D., including all medical progress notes, files, and clinical notes
- 458. Exhibit 8 to the deposition o f Helen D. Tramposch, M.D.
- 459. Exhibit 1 to the deposition of Susan Moner, M.D.
- 460. Exhibit 3 to the deposition of Susan Moner, M.D., including all medical progress notes, files, and clinical notes
- 461. Exhibit 4 to the deposition of Susan Moner, M.D., including all medical progress notes, files, and clinical notes
- 462. Exhibit 5 to the deposition of Susan Moner, M.D., including all medical progress notes, files, and clinical notes
- 463. Exhibit 1 to the deposition of John Garrison, Ph.D., including all medical progress notes, files, and clinical notes
- 464. Exhibit 4 to the deposition of John Garrison, Ph.D.
- 465. Exhibit 10 to the deposition of John Garrison, Ph.D.
- 466. Any and all exhibits relied upon or introduced by Plaintiff.
- 467. Defendants reserve the right to amend to list.

Respectfully submitted,

ONEBEACON INSURANCE CO., and
ONEBEACON AMERICA INSURANCE CO.,

By its attorneys

Dated: May 8, 2006

/s/ Leah M. Moore
Keith B. Muntyan (BBO # 361380)
Leah M. Moore (BBO # 658217)
MORGAN, BROWN & JOY, LLP
200 State Street
Boston, MA 02109
617-523-6666 (phone)

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF), including counsel for Plaintiff, Kathleen J. Hill, Esq., Law Office of Kathleen J. Hill, 60 State Street, Suite 700, Boston, MA 02109, and paper copies will be sent to those indicated as non-registered participants on this 8th day of May 2006.

s/ Leah M. Moore
Leah M. Moore